

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE RICHARD M. OSBORNE  
*Debtor*

CASE No. 17-17361  
CHAPTER 11  
JUDGE ARTHUR I. HARRIS

**RICHARD M. OSBORNE, DEBTOR IN POSSESSION’S WITNESS AND EXHIBIT LIST FOR HEARING  
ON FIRST NATIONAL BANK OF PENNSYLVANIA SUCCESSOR BY MERGER TO PARK VIEW  
FEDERAL SAVINGS BANK’S MOTION TO APPOINT A CHAPTER 11 TRUSTEE AND MOTION OF  
THE UNITED STATES TRUSTEE FOR ENTRY OF AN ORDER CONVERTING CASE TO A CHAPTER 7**

Richard M. Osborne, Debtor in Possession (“Debtor”) submits the following Witness and Exhibit List for the hearing on First National Bank of Pennsylvania Successor by Merger to Park View Federal Savings Banks’ (“FNB”) Motion to Appoint a Chapter 11 Trustee (Doc. No. 308) and the Motion of the United States Trustee (“Trustee”) for Entry of an Order Converting Case to a Chapter 7 (Doc. No. 439) filed in the above-captioned matter.

**WITNESSES**

1. Richard M. Osborne, Sr., the Debtor, 7265 Markell Road, Waite Hill, OH 44094. Mr. Osborne will testify about his Chapter 11 case, his efforts and performance as the Debtor in Possession in the management of the estate and the recovery of assets for the estate, along with other related matters.
2. John Lane, CEO/Managing Director of Inglewood Associates, LLC (216) 533-5860, [jlane@ingw.com](mailto:jlane@ingw.com). Mr. Lane will testify about the necessary steps and time to complete the valuation of the various companies of the Debtor, along with other related matters.
3. Don Whiteman, 8635 East Avenue, Mentor, OH. Mr. Whiteman will testify about his involvement with the Debtor, along with other companies in which the Debtor is the managing member and/or owner, along with other related matters.
4. Jessica Carruthers, 8635 East Avenue, Mentor, OH. Ms. Carruthers will testify about her involvement with the Debtor, along with the other companies in which the Debtor is the managing member and/or owner, along with other related matters.

5. Carolyn Coatoam, 8635 East Avenue, Mentor, OH, Willoughby, Ohio. Ms. Coatoam will testify about her involvement with the Debtor, along with the other companies in which the Debtor is the managing member and/or owner, along with other related matters.
6. Raymond G. Onderisin, CPA, Rea & Associates, 7201 Center Street, Mentor, Ohio. Mr. Onderisin will testify about the status of the preparation of tax returns and other financial documents regarding the Debtor, along with other related matters.
7. Bill Sochor, Lake County Title, 306 High Street, Fairport Harbor, OH. Mr. Sochor will testify as to county records and valuations, along with real estate taxes on parcels of property owned by the Debtor.
8. Maria Marsili, Representative of FNB. Ms. Marsili will testify about the loans at issue regarding the Debtor, payments made, collateral for the loans, along with other related matters.
9. All witnesses called by FNB and the United States Trustee.

#### **EXHIBITS**

- A. The “Blob” Documents
- B. June 23, 2019 Letter from Tom Coffey, Esq. to Nathaniel R. Sinn, Esq. regarding First National Bank of Pennsylvania’s Subpoenas to companies affiliated with Richard M. Osborne
- C. Real Estate Spreadsheet prepared by Bill Sochor in June, 2019.
- D. Order Granting Motion of First National Bank of Pennsylvania’s for Relief from Stay and Abandonment—*In re Richard M. Osborne*, Case No. 17-17361
- E. Agreed Order on Motion of Receiver Zachary B. Burkons for Turnover of Property and Debtor’s Response—*In re Richard M. Osborne*, Case No. 17-17361
- F. Order Granting Motion of Richard M. Osborne to Sell a Parcel of Commercial Real Property Located at 7000 Fracci Court, Mentor, OH Free of Any Interest of any Entity Other than the Estate
- G. Claims Register—*In re Richard M. Osborne*, Case No. 17-17361

- H. Forbearance Agreement and Settlement Statement between PNC Bank and Richard M. Osborne—Sheetz Loan
- I. Loan Modification Agreements between Richard M. Osborne, Heisley Hopkins, Inc. and PNC Bank—Eye-Lighting Loan
- J. Settlement Agreements between Fifth Third Bank, Bedford Properties, LTD, and Richard M. Osborne
- K. Settlement Statement- Fifth Third Bank (Bedford Properties, LTD)
- L. Fifth Third Bank-Concord Hambden Road, LLC Documents
- M. Fifth Third Bank—Munson Road Properties, LLC Documents
- N. Corporation and Non-Single Limited Liability Companies 2017 Tax Returns
  - (1) 2100 Lakeside LLC
  - (2) 2681 Orchard Way, Inc.
  - (3) 7123 Industrial Park Blvd., Inc.
  - (4) 7300 Center Street, Inc.
  - (5) 7350 Palisades Park Way, Inc.
  - (6) Achievement Ltd.
  - (7) Cardinal Franchise Corp.
  - (8) Center Investments Corp.
  - (9) Center Street Investments, Inc.
  - (10) Chardon Properties, Inc.
  - (11) Checkers of Ohio, Inc.
  - (12) Concord Group LLC
  - (13) DMO Properties, Inc.
  - (14) Erie-Coke Properties, Inc.
  - (15) Fairport Harbor Properties, Inc.
  - (16) Great Lakes Nitrogen Pipeline Co., Inc.

- (17) Great Lakes Oxygen Welders Supply Inc.
- (18) Great Lakes Plaza, Ltd.
- (19) Great Lakes Propane, Inc.
- (20) Hamilton Partners, Inc.
- (21) Hamilton/Mercantile Development Company Inc.
- (22) Heisley Hopkins, Inc.
- (23) Hopkins Heisley, Inc.
- (24) John D. Oil and Gas Marketing Co LLC
- (25) Kay-MC, Inc.
- (26) Kykuit Resources, LLC
- (27) Lake Heisley I & II, Inc.
- (28) Liberty Self-Stor II, Ltd.
- (29) Lightening Oil Company
- (30) Lightning Oil Co., Ltd.
- (31) Lightning Pipeline Company LTD
- (32) Meadowlands Apartment, Inc.
- (33) Mentor Entergy and Resources Co.
- (34) Mentor Joint Venture
- (35) Mentor Leasing, Inc.
- (36) Middle Sister Island Company
- (37) Ohio Pipeline LLC
- (38) Osborne Securities, Inc.
- (39) Painesville Township Trailer Park
- (40) Popeye's Marina, Inc.

- (41) Route 20 Bowling Alley, Inc.
- (42) The Retirement Management Company
- (43) The United States Wetland Conservatory Inc.
- (44) Woodlands Assisted Living Res, LLC
- (45) Black Bear Realty, Ltd.
- (46) Leimco Development Company, LTD.
- O. Debtor's Monthly Operating Report (3/1/19-3/31/19)-*In Re Richard M. Osborne*, Case No. 17-17361
- P. Debtor's Monthly Operating Report (4/1/19-4/30/19)-*In re: Richard M. Osborne*, Case No. 17-17361
- Q. Debtor's Monthly Operating Report (5/1/19-5/31/19)-*In re: Richard M. Osborne*, case No. 17-17361
- R. 1/17/18-Schedules-*In re: Richard M. Osborne*, Case. No. 17-17361
- S. 2/26/18-Declaration about Individual Debtor's Schedules-*In re: Richard M. Osborne*, Case No. 17-17361
- T. 2/26/18—Amended 20 Largest Unsecured Creditors-*In Re: Richard M. Osborne*, Case no. 17-17361
- U. 2/26/18-Amended Summary- *In Re: Richard M. Osborne*, Case no. 17-17361
- V. 3/12/18—Amended 20 Largest Unsecured Creditors- *In Re: Richard M. Osborne*, Case no. 17-17361
- W. 3/12/18-Amended A-B Summary- *In Re: Richard M. Osborne*, Case no. 17-17361
- X. 3/12/18-Statement of Financial Affairs- *In Re: Richard M. Osborne*, Case no. 17-17361
- Y. 4/5/18-Statement of Financial Affairs- *In Re: Richard M. Osborne*, Case no. 17-17361
- Z. 4/5/18- Amended 20 Largest Unsecured Creditors-*In Re: Richard M. Osborne*, Case no. 17-17361
- AA. 9/18/18-Amended EF and Summary- *In Re: Richard M. Osborne*, Case no. 17-17361
- BB. 10/9/18-Amended EF 20 Largest Unsecured Creditors and Summary- *In Re: Richard M. Osborne*, Case no. 17-17361

CC. 12/20/18-Amended D SOFA and Summary-*In Re: Richard M. Osborne*, Case no. 17-17361

DD. 2/26/18 Amended Voluntary Petition- *In Re: Richard M. Osborne*, Case no. 17-17361

EE. 6/24/19—Amended A-B Summary-*In Re: Richard M. Osborne*, Case no. 17-17361

FF. Financial Statements

(1) Big Oat's Oil Field Supply Company

(2) David Oil Company, LLC

(3) Rockefeller Oil Company, LLC

(4) Sleepy Hollow Oil & Gas Company

(5) Tatonka Oil Company LLC

(6) Kykuit Resources, LLC

Debtor respectfully reserves the right to use any of the hearing exhibits identified by FNB and the Trustee.

Respectfully submitted,

/s/ Frederic P. Schwieg, Esq.

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Special Counsel for Richard M. Osborne, Sr.,

Debtor-in-Possession

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this witness and exhibit list was electronically transmitted on or about the date filed via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list or was served by U.S. mail, postage prepaid, or certified mail on the persons below as indicated below.

Electronic Mail Notice List

The following is a list of the parties who are on the list to receive e-mail notice/service for this case:

Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania  
gamend@bdblawn.com, grichards@bdblawn.com

Alison L. Archer on behalf of Interested Party Lakeland Community College  
alison.archer@ohioattorneygeneral.gov, Trish.Lazich@ohioattorneygeneral.gov;angelique.dennis-noland@ohioattorneygeneral.gov

Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr.  
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Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC  
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Robert D. Barr on behalf of Creditor Chicago Title Insurance Company  
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LeAnn E. Covey on behalf of Creditor Bank of America, N.A.  
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Richard W. DiBella on behalf of Intervenor Nationwide Mutual Fire Insurance Company  
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Stephen R. Franks on behalf of Creditor Bank of America, N.A.  
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Stephen John Futterer on behalf of Creditor City of Willoughby  
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Melody Dugic Gazda on behalf of Respondent Home Savings Bank, Successor by Merger to The Home Savings & Loan Company of Youngstown, Ohio  
mgazda@hendersoncovington.com

Dennis J. Kaselak on behalf of Claimant Diane M. Osborne  
dkaselak@peteribold.com, Cynthia@peteribold.com

Christopher J. Klym on behalf of Creditor Ohio Department of Taxation  
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Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania  
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Timothy P. Palmer on behalf of Creditor The Huntington National Bank  
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Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne  
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Nathaniel R. Sinn on behalf of Creditor First National Bank of Pennsylvania  
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Michael S. Tucker on behalf of Creditor Citizens Bank, N.A.  
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Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee  
Scott.R.Belhorn@usdoj.gov

/s/ Frederic P. Schwieg  
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